

Resolving Special Education Disputes

**Including
The Michigan Department of Education
Special Education Complaint
Investigation Procedures**



*Office of Special Education and
Early Intervention Services*

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Special Education Complaint Procedures

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Resolving Special Education Disputes

Disputes about special education services will arise. This document describes the Michigan Department of Education (MDE) dispute resolution options, including informal and formal resolution. In the event that alternative dispute resolution methods are not successful, or do not wish to be used, this document provides the procedures for investigating complaints as required in 34 CFR §300.151.

What if there are concerns about special education services?

There are a number of ways to address concerns, including, but not limited to:

- contacting the local school district **or public agency** special education administrator;
- requesting an individualized education planning team (IEPT) meeting;
- requesting a facilitated IEPT meeting;
- contacting the intermediate school district (ISD) for assistance;
- using informal dispute resolution processes (www.cenmi.org/msemp);
- submitting a formal complaint (www.michigan.gov/mde); and
- requesting a due process hearing (www.michigan.gov/mde).

What are examples of informal dispute resolution processes for resolving special education issues/concerns?

Informal dispute resolution refers to a number of collaborative methods for resolving special education concerns or formal complaints. These methods enable those with concerns to seek solutions through direct discussion. Discussion may be aided by neutral individuals who facilitate communication and problem-solving while leaving the parties to make their own decisions.

Informal dispute resolution processes may be used in lieu of filing a formal complaint. They also can be used after filing a formal complaint as outlined below. Regardless of whether an informal process is used, the formal complaint process is always available.

Examples of informal dispute resolution include, but are not limited to:

- Local Resolution – Parties involved may resolve issues directly with each other. They do not have to agree on what happened or why, but may agree on steps to address the concern. This agreement may be documented in writing and signed by the participants.
- IEPT Meeting – Parents or the public agency may request a meeting at any time to address issues of concern.
- Facilitated IEPT Meeting – A neutral facilitator may be requested to support the IEPT process and can help ensure that all viewpoints and ideas are heard.
- Mediation – Concerns may be addressed through a voluntary process in which a neutral mediator assists the parent and district to discuss the issues, generate options, and negotiate resolution. The mediator has no authority to impose an outcome. Mediation results in a written agreement signed by the parties, and this agreement is enforceable in court.

How can an informal dispute resolution be requested?

For information about local resolution, contact the local school district's special education administrator or the ISD's special education department. In addition, general information about individualized education program (IEP) facilitation and mediation may be obtained by contacting the Michigan Special Education Mediation Program at www.cenmi.org/msemp.

What is a formal special education “complaint”?

A special education complaint is a written and signed allegation that a school district, state education agency (SEA), or other public educational agency has violated:

- the IDEA and its implementing regulations;
- the Michigan Administrative Rules for Special Education;
- the ISD Plan for the Delivery of Special Education Programs and Services;
- an IEPT report;
- the implementation of a hearing officer’s decision; and
- Michigan’s application for federal funds under the IDEA.

What must be included in a formal written complaint?

A formal complaint must meet the criteria set forth in Rule 340.1701a(c) and §300.153(b)(c)(d) of the Federal Register. Briefly, any organization or individual may file a signed, written complaint. The complaint must include:

§300.153(b)(c)(d)

- (1) A statement that a public agency has violated a requirement of Part B of the Act or of this part;
- (2) The facts on which the statement is based;
- (3) The signature and contact information for the complainant; and
- (4) If alleging violations with respect to a specific child—
 - (i) The name and address of the residence of the child;
 - (ii) The name of the school the child is attending;
 - (iii) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), available contact information for the child, and the name of the school the child is attending;
 - (iv) A description of the nature of the problem of the child, including facts relating to the problem; and
 - (v) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- (c) The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- (d) The party filing the complaint must also forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files the complaint with the SEA.

Use of **Appendix B** (Request for Complaint Investigation) will assist in meeting these requirements. The MDE/ISD will contact the complainant if the written complaint does not have all of the requirements.

Appendix C provides examples of allegations and supporting facts.

The complaint should be mailed or faxed to:

Michigan Department of Education
Office of Special Education and Early Intervention Services
P.O. Box 30008
Lansing, Michigan 48909
(517) 373-7504 (FAX)

and

School District or Public Agency

What are the timelines for a formal complaint investigation?

The timeline for completing an investigation and issuing a written decision is 60 calendar days. The timeline for a complaint investigation begins when the written complaint, containing all of the requirements listed above, is received by either the MDE/ISD and the public agency.

- The parties will be given a copy of the Final Report within 40 calendar days from the date all required parties received a copy of the initial complaint.
- If either party has information they believe may change one or more of the findings of the Final Report, the party may submit a written request for reconsideration to the MDE. This request must be received by the MDE within ten calendar days from receipt of the Final Report.
- The MDE will immediately forward the request for reconsideration to the other party(ies).
- The MDE will resolve this matter by reconsidering the Final Report and issuing an amended Final Report.

60 Calendar Day Timeline			
Resolution Period	Complaint Investigation	Reconsideration Request (From Receipt of Final Report)	MDE Reconsideration of Final Report
10 days	30 days	10 days	10 days
Resolution may occur at any time prior to issuing the Final Report			

Who may file a complaint?

Any person or organization may file a complaint. The person filing the complaint does not have to live in Michigan. The person or organization filing the complaint is called the "complainant."

Is there a special form for filing a complaint?

No special form is required to file a complaint. A model form that contains the required elements to initiate the complaint is provided (Appendix B). The form is also available on the MDE website: www.michigan.gov/mde.

What is the statute of limitations for filing a complaint?

The alleged violation must have happened within one year of the date the complaint is received by the MDE/ISD and the public agency.

What if there are new allegations to add to the complaint?

New allegations filed after the original complaint may be treated as a new complaint or part of the existing complaint. This decision is made by the MDE/ISD.

What are examples of formal dispute resolution processes for resolving special education complaints?

All parties are encouraged to make every effort to resolve complaints with the least amount of conflict possible. A complaint may be resolved by one or more of the following options:

Local Resolution

Local resolution is an opportunity for the complainant and the district to directly resolve the issues prompting the complaint. The complainant and district staff do not have to agree on what happened or why, but still may agree on steps to address the concern. The MDE/ISD staff may help the district and the complainant to reach this agreement. The agreement must be documented in writing and signed by the parties. The agreement could be written in a letter format or in a new IEP.

- In order to give the parties an opportunity for local resolution, the MDE may allow ten calendar days before proceeding with the investigation. A complaint investigation may proceed simultaneously with the resolution process.
- If the parties reach an agreement that resolves the complaint, the public agency or complainant notifies the MDE in writing that an agreement has been reached. The MDE will contact the other party(ies) to verify that an agreement has been reached and close the complaint.
- If only some of the complaint issues are resolved, the MDE/ISD may investigate the remaining issues, depending on the agreement.
- If the parties do not choose to participate in local resolution, or if the parties do not agree on a solution in ten calendar days, the MDE/ISD will proceed with the complaint investigation.
- Local resolution is not a required step before initiating mediation.

Mediation

Mediation is a voluntary process. An impartial third-party mediator assists the parties in reaching a mutually acceptable resolution of the complaint. Mediation includes all contacts between the mediator and the parties to the complaint until either the parties agree to a resolution or the mediation process ends. A signed confidentiality statement is required.

Procedures used in mediation must meet the following requirements as defined by §300.506(b) of the Federal Register:

§300.506(b)

(1) The procedures must ensure that the mediation process—

- (i) Is voluntary on the part of the parties;
- (ii) Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of the Act; and
- (iii) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Effective agreements identify:

- allegations the agreement covers;
- action that was or will be taken;
- when the action was or will be completed;
- person responsible for making sure the action was or will be taken;
- duration of the agreement;
- process for review when the actions are completed;
- plan for making changes to the agreement if needed;
- what to do if a participant thinks the agreement is not being met; and
- statement of confidentiality.

The MDE encourages the parties to consider mediation and will provide resources for the selection of an impartial mediator.

If the parties agree to use mediation, the MDE will provide the mediator at no cost to the parties if the parties choose to use the Michigan Special Education Mediation Program. The parties may agree to use an outside mediator at public expense.

The MDE will suspend the 60-calendar day timeline during mediation, and the following may occur:

- **complete agreement:** If mediation results in a written agreement for resolution of the complaint, either the public agency or complainant provides the MDE with written notice of an agreement. The MDE will contact the other party(ies) to verify that an agreement has been reached and close the complaint.
- **partial agreement:** If only some of the complaint issues are resolved in mediation, either the public agency or complainant provides the MDE with written notice of the partial agreement. The MDE will contact the other party(ies) to verify that the partial agreement has been reached and the MDE/ISD must investigate the remaining issues.
- **no agreement:** If none of the complaint issues are resolved in mediation, either the public agency, complainant, or mediator provides the MDE with written notice of no agreement. The MDE/ISD must resume investigating the complaint.

The 60-calendar day timeline resumes upon the MDE/ISD receiving notification of a partial agreement or no agreement.

Public Agency Proposed Corrective Action

The district admits to the allegation(s) as filed by the complainant in the initial Request for State Complaint Investigation. The district submits a written proposal of corrective action to either the MDE/ISD and the complainant in response to the complainant's proposed solution. The MDE/ISD may accept or negotiate the proposed corrective action based upon both the complainant's and district's recommendation. If the MDE rejects the proposed action, the MDE/ISD will proceed with the complaint investigation.

Investigation

The MDE/ISD will investigate any unresolved allegations in the complaint by conducting interviews and reviewing student records, correspondence, and other information, as appropriate. The MDE/ISD will determine if an on-site investigation will be conducted.

What are the steps in the complaint investigation process?

1. **Notification:** Upon receipt of a complaint, the MDE will immediately notify the ISD and the public agency. If the ISD receives the complaint, the ISD will forward the complaint to the MDE and will advise the complainant to forward a copy of the complaint to the public agency.
 - A. The MDE will assign a case manager.
 - B. The complainant will be sent a copy of Part 8 of the Michigan Administrative Rules for Special Education and a copy of the complaint procedures.
2. **Assignment of Complaint Investigator:** The MDE will determine if the complaint contains all of the required elements. If it is determined that any or all of the allegations meet the definition of a complaint, an investigator will be assigned.

The MDE will dismiss the complainant's written statement without an investigation if:

- A. the statement does not meet the definition of a complaint as defined in Rule 340.1701a(c);
- B. the complaint is not filed within one year of the alleged violation;

- C. the statement does not include facts to support any of the allegations (see Appendix C for examples of allegations and the supporting facts); and
- D. all of the allegations in the complaint have been resolved through a due process hearing or through a previous state complaint investigation process.

If any of the allegations do not meet the definition of a complaint, the case manager will notify the complainant that those allegations will not be investigated and explain why. The case manager may also refer the complainant to other organizations that may provide assistance as listed in Appendix E of this document.

If any of the allegations are the subject of a due process hearing, the case manager will notify the administrative law judge (ALJ) of the complaint. The ALJ will determine if any allegations are part of a due process hearing and the case manager will stop the complaint investigation for those allegations. Any allegations not part of the due process hearing will be resolved in the complaint process. When the hearing is resolved, the ALJ will notify the case manager of any remaining allegations that were not addressed in the due process hearing.

- 3. **Response from the Public Agency:** The public agency will have ten calendar days from receipt of the complaint to respond to the allegations in the complaint.
 - A. Dispute Resolution
 - i. The investigator may contact the public agency and complainant to recommend options for dispute resolution.
 - B. Written Response
 - i. The public agency's response includes a written statement about the issues in the complaint;
 - ii. The public agency must send a copy of its written response to the complainant and investigator;
 - iii. The public agency must make available to the complainant, upon the complainant's request, any documentation referred to in the public agency's response;
 - a. If the complainant is the parent, the parent has access to the student's educational records, but information about other students, which is confidential and easily identifiable, must be removed.
 - b. If the complainant is other than the parent, confidential and easily identifiable information about students must be removed.
- 4. **Investigation:** In most cases, the ISD will complete the investigation. In some cases, the MDE will investigate a complaint rather than refer it to the ISD if the MDE determines that it is in the best interest of the student to do so.
 - A. The investigator will review the information provided by the public agency and the complainant.
 - B. The investigator will gather information through fact finding such as: telephone or personal interviews, a review of files, documents, correspondence, and other information, and may conduct an onsite visit.

In situations where the complainant and public agency agree that a violation has occurred, the investigator may determine that additional fact finding regarding that allegation is not necessary and will address corrective action.

The investigator has the legal authority to examine educational records without the permission of the parent (Family Educational Rights and Privacy Act of 1974, as amended, and its federal regulations).

All public agencies that are involved in the complaint shall cooperate with the MDE and the ISD in conducting an investigation.

5. **Written Decision:** The complaint investigator and the MDE staff review the findings, make determinations of violation/no violation, and issue the Final Report.

The Final Report includes:

- A. a cover page listing the persons involved in the investigation;
- B. a statement of authority;
- C. the date the complaint was properly filed (the date that the complaint was received by either the MDE/ISD and the public agency from the complainant), a description of any extension of the 60-day timeline, and the exceptional circumstances that warranted the extension;
- D. the investigation process;
- E. identification of each allegation;
- F. the rules/regulations that govern the allegation;
- G. the findings of fact;
- H. an explanation of how the findings of fact and law support the conclusions;
- I. the required corrective action, with due dates, if the findings substantiate a violation; and
- J. closing statement, including the right for reconsideration.

The OSE/EIS Program Accountability Supervisor, or designee, reviews and signs the Final Report. The Final Report is mailed to the complainant, public agency and, as appropriate, the ISD investigator or the ISD. The Final Report is considered a public record.

6. **Reconsideration:** If, after reviewing the Final Report, either party believes that it has factual information that will cause a change to the conclusions reached in the investigation, that information may be submitted to the MDE for consideration. Any information must be provided within ten days of receipt of the Final Report. The MDE will consider the new information and will revise the Final Report if the information causes a change to the conclusions of the original investigation. This review must be completed by the MDE within ten days in order to conclude the complaint process within 60 days.

How is a state complaint investigation different from a due process hearing?

A **due process hearing** is a formal administrative hearing conducted by an impartial ALJ who is an employee of the State Office of Administrative Hearings and Rules (SOAHR). A due process hearing is initiated by filing a due process complaint. The complainant and public agency have an opportunity to bring and cross examine witnesses, to have a record of the proceedings, and to enter and object to evidence. Parties can subpoena witnesses, and testimony is under oath. Parties have an opportunity to provide testimony by experts. The ALJ decision can be appealed to state or federal courts.

During the **investigation of a state complaint**, the MDE/ISD staff may interview the complainant, review documents, and interview public agency personnel to determine whether or not the allegations are valid. This process does not include formal testimony by

experts or others, formal records of the proceedings, oaths, subpoenas, or other formal due process protections.

Filing a state complaint does not prevent a parent from filing a due process complaint requesting a due process hearing.

What may a state complaint investigation involve?

The investigator will attempt to contact the complainant and public agency. The investigator may conduct interviews by telephone or in person, ask questions about what happened, when and with whom, what has happened since the complaint was filed, interview the child, or observe the child's program.

The complainant, public agency personnel, and other involved parties may provide additional information related to the complaint (even if the interviewer doesn't ask) so that the interviewer has all the information needed. They may contact the interviewer later if they remember important information not shared in the interview. Further interviews may come later, after the investigator has reviewed relevant documents.

How should you prepare for a state complaint interview?

1. Have available information (including documents) that will help the investigator understand the issues.
2. Have access to calendars or date books to help you remember when events took place.

How does the MDE/ISD investigate an allegation involving the appropriateness of an eligibility determination, IEP, or placement decision?

The MDE/ISD will first look at whether the parties followed the required procedures to reach its determination and, second, whether the parties reached a decision that is consistent with the rules and regulations. The MDE/ISD will find that the parties have complied with the rules and regulations if the parties have followed required procedures, applied required standards, and reached a determination that is reasonably supported by the student's specific data, and is consistent with the rules and regulations.

What corrective action may the MDE order if a violation is found?

Corrective action will vary and is designed to correct a violation. A corrective action may include revising policies or procedures, conducting an evaluation, convening IEPT/Individualized Family Service Plan (IFSP) meetings, staff training, compliance agreements, etc.

If the violation resulted in a lack of appropriate services for the student, the MDE may order remedies for denial of services. The MDE may require the public agency to meet with the complainant to develop a plan for remediation of the denial or services. The MDE/ISD is responsible for providing technical assistance to the public agency.

The MDE does not charge penalties or fines as part of corrective action. However, if a public agency refuses to take the corrective action, the MDE may withhold money from the public agency.

To verify that the public agency completed the corrective action(s) that the MDE directed, the public agency shall submit the required proof of compliance under the signatures of the public agency's administrator primarily in charge of special education programs and services, chief administrative officer, and the president of the board of education. The public

agency shall submit the proof of compliance within the timeline specified by the MDE and shall forward a copy of the proof of compliance to the ISD.

When final proof of compliance is received and found to be acceptable, the MDE will notify the complainant and the public agency that the complaint is closed.

Where can additional information about the state complaint investigation process be found?

The notice of Procedural Safeguards has information about complaint investigations and other dispute resolution procedures. School districts and public agencies must give parents a copy of the Procedural Safeguards when their child is first referred for special education, once a year while the child is receiving special education services, and at other times required under the regulations.

Contact the public agency, the ISD, or the MDE if you require a copy of the Procedural Safeguards. The Procedural Safeguards are available in languages other than English at: <http://www.michigan.gov/mde>. Copies are also available in Braille.

What if the complaint is not an IDEA complaint?

For other types of concerns, see the chart in Appendix E for examples of areas which are not covered by the IDEA complaint process, along with other agencies that may offer assistance.

What are the options after receiving the Final Report?

Appeal: If any party disagrees with the Final Report, they can appeal to a court of competent jurisdiction.

Due Process Hearing: Filing state complaints does not prevent complainants from requesting a due process hearing. A parent may request a due process hearing when he or she does not agree with the identification, evaluation, educational placement, or provision of a FAPE to a child who may be disabled. This hearing request must be filed within two years of the events giving rise to the hearing request.

Typically, filing a complaint with the MDE is not considered “exhaustion of administrative remedies” and, in most cases, a parent must use due process hearing procedures before filing an action in court related to special education rights.

APPENDIX A

Glossory

Allegation of Violation – A statement describing how a public agency may have violated the rules and regulations.

Compensatory Services – Services provided at a later date to make up for the lack of appropriate services at an earlier time.

Complainant – The person or organization filing the complaint.

Continuing Violation – A continuing violation is based on actions that occur, in part, within the last year, but the action is part of repeated conduct or a series of acts going back further.

Evidence – Documents, objects, pictures, and verbal statements.

FAPE – A free appropriate public education, one of the key parts of the IDEA.

Final Report – The MDE's findings of fact, conclusions, and corrective action, if necessary, based on the allegations in the complaint.

IDEA – The Individuals with Disabilities Education Act.

Local School District – The district where the student resides or the public school academy (PSA) the student attends.

Investigator – The person(s) assigned to conduct the investigation related to the allegations. The investigator may be an MDE/ISD employee or contractor.

Mediation – A voluntary process in which an impartial third-party mediator assists and facilitates the complainant and public agency in reaching a mutually acceptable resolution of the dispute.

MDE – The Michigan Department of Education.

Operating District – The district that operates the program or service on behalf of the local school district or the PSA.

OSEP – Office of Special Education Programs for the U.S. Department of Education.

Parent – Used here as defined by the IDEA, 2004, §300.30.

Public Agency – Used here as defined by the IDEA, 2004, §300.33.

Reimbursement – Paying back. The MDE may order reimbursement for services that the parent purchased privately because the public agency did not give appropriate services to the child.

SEA – The state educational agency. The MDE is the SEA for Michigan.

Appendix B

Request for State Complaint Investigation

TO: Michigan Department of Education
Office of Special Education and Early Intervention Services
Program Accountability
P.O. Box 30008
Lansing, Michigan 48909

and

School District _____
Special Education Administrator _____
Address _____

FROM: Name _____
Address _____

Telephone (Home) _____ (Work) _____
Best Time to Reach _____
E-mail (if available) _____

1. Information about the child/student (if complaint concerns a specific child).

Child's Name _____
Date of Birth _____
Child's Grade/Age _____
Child's Disability _____
Complainant's Relationship to Child _____

2. Mediation/informal resolution.

Are you interested in mediation **or informal resolution** to try to resolve the complaint?

Would you like more written information about mediation? _____

Would you like to talk to another parent about mediation? _____

3. Complaint and Supporting Facts.

Parents and other individuals and organizations may file a complaint if they believe a public agency is not following the requirements of the Individuals with Disabilities Education Act or Michigan's Administrative Rules for Special Education.

Directions: Number and list each allegation separately. Describe the violation(s) and the specific facts that related to the violation(s). If possible, include dates, names, and locations. You can attach more pages if you need more space.

4. **Proposed Solution.**

Directions: Describe what you think needs to be done to correct the problem if you know or have any specific ideas at this time. You can attach more pages if you need more space.

Signature

Date

Signature

Date

Appendix C

Examples of Allegations and Supporting Facts

Allegation	Supporting Facts
The school district did not implement my child's IEP/IFSP.	My child's November 2006 IEP includes 30 minutes per week of speech-language services, and I heard at a parent-teacher conference that he hadn't seen the speech therapist all year.
The school district has refused to provide appropriate reading instruction for my child.	My child is in the fourth grade and is still at a beginning reading level. At the last IEP meeting (in January 1006), I asked for more (or a different type) of reading instruction and the district refused.
The school district does not complete special education evaluations within 30 school days.	I asked for a special education evaluation because my sixth-grade son has had a difficult transition to middle school; he is failing his classes and he has been suspended several times. I signed a consent form when I met with the counselor in October 2005. It is now April 2006. I never got the results of the testing and my son is still having trouble in school.
The regular education teachers refuse to accommodate my child's disability.	My 11 th grade daughter has a specific learning disability. The October 2006 IEP says teachers will let her have extra time to complete assignments and she can take tests in the resource room so they can be read to her. Her teachers lower her grade on assignments when she takes extra time to complete them and they won't let her go to the resource room to take tests.

Appendix D

Michigan's Administrative Rules for Special Education

Part 8 – Complaints

R 340.1851 Intermediate school district's responsibility for investigation of complaints; report.

Rule 151. (1) An intermediate school district, upon receipt of a complaint, shall investigate the complaint under these rules and the procedures approved by the state board of education. The investigation shall include direct communication with the complainant or the complainant's authorized representative. The complainant shall be informed of the specific procedures for conducting the investigation, filing reports, and appealing the conclusions contained in the investigation report. The investigation shall be completed and a report shall be filed by the intermediate school district within 21 calendar days after the date of receipt of the complaint. The report shall be filed with the complainant, the local school district or public school academy, if applicable, and the department. The report shall contain information as specified in procedures approved by the state board of education and shall contain notification of the complainant's right to appeal the conclusions of the investigation and to have the department review the intermediate school district's decision on the complaint.

(2) The intermediate school district may contract with an independent agent to conduct the investigation or shall appoint a person who is a member of the special education staff to be responsible for investigating complaints under this part. The person shall not have administrative authority over programs or services against which a complaint may be filed. Copies of this part and the procedures approved by the state board of education shall be made available by the intermediate school district for distribution to its employees, the employees of constituent local school districts, the employees of constituent public school academies, the public, and other agencies operating special education programs and services.

(3) An intermediate school district receiving a complaint under its jurisdiction shall, during the pendency of any proceeding stipulated in this rule, require any agency against which the complaint was lodged to maintain the educational status, program placement, or service of an involved student as it was before the complaint if, in its judgment, not doing so may constitute a violation of the student's due process protection or if so directed by the department.

R 340.1852 Department responsibilities for processing complaints and conducting state investigations.

Rule 152. (1) The department may, for good cause, investigate a signed, written complaint under the procedures approved by the state board of education, regardless of the status of the investigation under R 340.1851.

(2) Upon receipt of a complainant's appeal for review of the intermediate school district's decision on the complaint, the department, under the procedures approved by the state board of education, shall do all of the following:

(a) Carry out an independent on-site investigation if the department determines that an investigation is necessary.

(b) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

(c) Review all relevant information and make an independent determination as to whether the educational agency is violating any of the provisions of law specified in the definition of "complaint" in R 340.1701a(c).

(3) The department shall issue a written report to the complainant and to the educational agency against which the complaint was filed that addresses each allegation in the complaint and contains all of the following information:

(a) Findings of fact and conclusions.

(b) The reasons for the department's final decision.

(c) Procedures for effective implementation of the department's final decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance.

(4) The intermediate school district is responsible for assisting the agency in violation, for monitoring progress of the corrective action, and for informing the department when the corrections have been completed.

(5) Proof of compliance shall be submitted by the educational agency that was in violation within the time line specified in the directive for correction.

(6) Upon failure of an educational agency to correct known violations of law, upon failure of the educational agency in violation to cooperate with the department or the intermediate school district during the conduct of its investigation, or upon known falsification of fact or continued repetition of similar violations, the state board of education shall do 1 or more of the following:

(a) If the educational agency in violation is a local school district or a public school academy, then the state board of education shall direct the intermediate school district board to provide complying programs and services as stipulated in 1976 PA 451, MCL 380.1702.

(b) If the agency in violation is an intermediate school district, the state board of education may withdraw the authority of the intermediate district to operate a program in noncompliance and simultaneously require the local district of residence to place the affected student or students in an appropriate program.

(c) Withhold federal funds under section 1413(d)(1) of the individuals with disabilities education act of 1997, 20 U.S.C. §1413(d)(1).

(d) Apply other penalties, as stipulated in 1976 PA 451, MCL 380.1 et seq.

(e) Withhold state funds under 1979 PA 94, MCL 388.1601 et seq., or any other governing statute.

(f) Withhold, withdraw, or suspend such endorsements, approvals, credentials, grants, or authorizations pertaining to special education personnel or projects that the state board of education or its designee had authority to grant as authorized by, and in accordance with, the procedures required by law.

(g) Seek enforcement in a court of appropriate jurisdiction of the corrective action determined appropriate.

(7) The state board of education or its designee, during the pendency of any proceeding under this part, shall require any educational agency against which the complaint was lodged to maintain the educational status, program placement, or service of an involved student as it was before the complaint if, in the judgment of the state board of education or its designee, not doing so constitutes a violation of the student's due process protections.

R 340.1853 General responsibilities of all agencies for processing complaints and investigations.

Rule 153. (1) The term "complaint" is defined in R 340.1701a(c). All public educational agencies shall receive allegations of violations of state or federal regulations pertaining to special education. If the allegation is made orally, the recipient agency may take formal or

informal action as necessary to resolve the situation in compliance with applicable provisions of law, but, at a minimum, shall immediately do all of the following:

(a) Inform the person making the allegation that he or she has a right to file a written formal complaint with the appropriate intermediate school district or with the department and to have that complaint investigated in accord with this part and procedures approved by the state board of education.

(b) Inform the person making the allegation that if he or she wishes to delay filing a formal complaint so that an informal resolution may be attempted, he or she retains the right to file a formal complaint if the informal attempts to resolve the concern in a timely manner are unsuccessful.

(c) Provide the person making the allegation with a copy of this part and the state board of education's procedures pertaining to complaints and offer to assist the person to file the complaint.

(2) A person claiming to be acting on behalf of a complainant may be required to provide evidence of that authority.

(3) Complaints are initially investigated by the intermediate school district. At its discretion, the department, for good cause shown, may initiate a complaint or may conduct the initial investigation of the complaint instead of requiring the intermediate school district to investigate the complaint initially.

(4) A time limit of 60 calendar days after a complaint is filed is allotted for the intermediate school district to complete the investigation responsibilities under R 340.1851 and for the department to complete its review as specified in R 340.1852.

(5) An extension of time specified in this part may be granted by the department only if exceptional circumstances exist with respect to a particular complaint. A denial of an extension request is final.

Appendix E

Options for Concerns That Are Not Within the IDEA

Type of Concern	Where to Turn
Discrimination (age, disability, national origin, race, sex, marital status, religion).	File a complaint with the: Office of Civil Rights U.S. Department of Education Bank One Center, Room 750 600 Superior Avenue, East Cleveland, Ohio 44114-2611
Section 504 issue related to identification, evaluation, and provision of a free appropriate public education or educational placement of a child with a disability.	File a complaint with district or program Section 504 compliance officer. or Office of Civil Rights U.S. Department of Education Bank One Center, Room 750 600 Superior Avenue, East Cleveland, Ohio 44114-2611
School records' violation. Complaint about inaccurate, misleading, or private information in the child's educational records. Violations of the Family Education Rights and Privacy Act.	Request an amendment to the child's educational records with the custodian of student records at the school district. File a complaint with the: Family Policy Compliance Officer U.S. Department of Education Washington, D.C. 20202
Complaint about specific teacher or administrator. Serious violations that may affect teacher or administrator licensure.	School district complaint procedure. Michigan Department of Education Office of Professional Preparation Services 608 West Allegan P.O. Box 30008 Lansing, Michigan 48909
Abuse/neglect issues.	Department of Human Services P.O. Box 30037 Lansing, Michigan 48909 Local Law Enforcement Agency